

Notice of Allowability

Application No.

10/715,067

Examiner

Mr. Terry K. Cecil

Applicant(s)

SAMIDE ET AL.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 6-5-2006 and the telephone interview of 08-10-2006.
2. ☒ The allowed claim(s) is/are 1-17 respectively renumbered upon allowance as claims 1-4, 8-15, 5-6, 16, 7, and 17.
3. ☒ The drawings filed on 11/03 (sheets 1-6) & 06/06 (sheet 7) are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8-10-2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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Note: Claims 1-17 are allowed and have been respectively renumbered upon allowance as claims 1-4, 8-15, 5-6, 16, 7, and 17.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Marcella Watkins on 8-10-2006.

2. The application has been amended as follows:

- Claim 1 has been amended as follows:

—1. (Currently amended) A separator system, comprising:

a tank having a bottom and at least one sidewall, said at least one sidewall including sheet piling, said tank including a mid-deck defining an upper chamber and a lower chamber within said tank, said sidewall having (i) an inlet pipe extending therethrough into said chamber and defining an inlet orifice, and (ii) an outlet orifice, wherein both orifices are within said upper chamber and proximate said mid-deck; and

a diffuser providing fluid communication between said upper chamber and said lower chamber through said mid-deck and for diffusing fluid flow descending through the diffuser into said lower chamber, said diffuser having walls and vanes extending above said mid-deck including a front wall adjacent said inlet orifice having a cutout portion sized and shaped such that said front wall ~~registers~~ conformingly contacts with said inlet ~~orifice~~ pipe;

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wherein said mid-deck defines a flow control orifice disposed proximate said outlet orifice, said flow control orifice providing fluid communication between said upper chamber and said lower chamber.—

- Claim 12, line 1, before “inlet pipe”, “an” has been replaced with —said—.
- Specification, paragraph [0033], line 3, after “the diameter of the inlet pipe 28”, — (conformingly contacts therewith)— has been added.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

- The closest cited art—Kizhnerman and Hershberger (U.S. 0,601,794)—fails to anticipate or render obvious, alone or in any proper combination, the inlet pipe and extends through the tank sidewall and into upper chamber, the diffuser including vanes and a front wall conformingly contacting the inlet pipe—in combination with all the other limitations of claim

1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

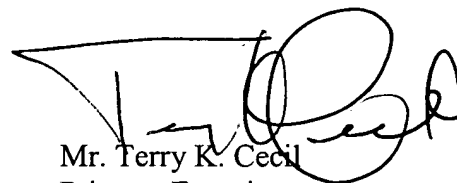
Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

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Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (571) 272-1138 at the Carlisle campus in Alexandria, Virginia for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:30a to 4:30p, on at least four days during the week M-F.
- Wanda Walker, the examiner's supervisor, can be reached at (571) 272-1151 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is (571) 273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mr. Terry K. Cecil
Primary Examiner
Art Unit 1723

TKC
August 10, 2006

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New Sheet 7

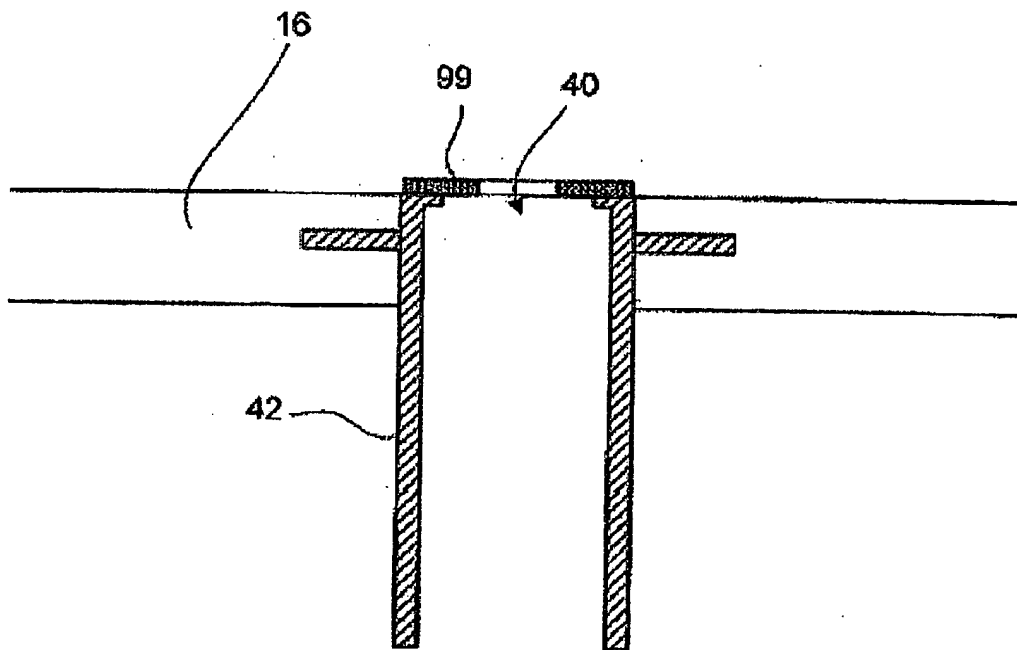


Fig. 9